

REMARKS:

Claims 4-12 are in the case and presented for consideration.

The Applicants thank the Examiner for the indication of allowability of Claims 4, 6 and 8-12 if presented in independent form.

Independent Claims 4 and 8 respectively now include the limitations of their base claim 1 so that both of these claims as well as their dependent claims 6 and 9-12 are now believed to be in condition for allowance.

Claims 5 and 7 further limit Claim 4 so that these claims are also believed to be in condition for allowance. Although Claims 5 and 7 were nonelected and therefore were previously withdrawn claims, the Examiner is respectfully requested to rejoin these claims under MPEP 821.04 which reads in part:

The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits.

In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim.

Claims 5 and 7 depend from and further limit allowable Claim 4 and should therefore also be allowable.

The amended paragraph [0081] of the published application, which corresponds to

paragraph [0040] on page 23 of the specification as originally filed, has also been corrected to include the amendment that was made to this paragraph in the Preliminary Amendment (namely panel 23 panel 19 on line 7 of the paragraph) so that the specification is also now believed to be in proper form.

Although this amendment is being made after a final rejection under 37 C.F.R. 1.113, since the application and claims are believed to be in condition for allowance, entry of this amendment under 37 C.F.R. 1.116(b) and further favorable action is respectfully requested.¹

If any issues remain, the Examiner is respectfully invited to contact the undersigned at the number below, to advance the application to allowance.

Respectfully submitted,
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¹37 C.F.R. § 1.116 Amendments and affidavits or other evidence after final action and prior to appeal.

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;